

COUNTY OF MIAMI
SUBDIVISION CONTROL ORDINANCE

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ORDINANCE # 1-16 01A
MIAMI COUNTY SUBDIVISION ORDINANCE
SECTION I

1.1 Title

These regulations shall hereafter be known and cited as the Subdivision Regulations of Miami County, Indiana.

1.2 Policy

- (1) It is hereby declared to be the policy of Miami County to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the official comprehensive plan and related policies for the orderly and efficient development of the County.
- (2) Land to be subdivided shall be of such a character that it can be developed without peril to health or peril from flood, fire or other menace, and land shall not be subdivided until having access to available existing public facilities and until improvements and proper provision have been made for drainage, water, sewerage, other necessary new public improvements such as schools, parks, recreation facilities, and transportation facilities adequate for serving the subdivision. Private wells and septic systems in lieu of public water and sewer facilities are allowable where permitted under the Miami County Zoning Ordinance and approved by the Miami County Health Department.
- (3) Both existing and proposed public facilities serving the subdivision shall be properly related and conform to the official County Comprehensive Land Use Plan, related policies and implementation programs including the Capital Budget, Official Map, Thoroughfare Plan, Zoning Ordinance and Housing and Building Codes.

1.3 Purposes of These Regulations

- (1) To protect and provide for the public health, safety, and general welfare of the County.
- (2) To guide the future development and renewal of the County in accordance with the Comprehensive Plan and related policies.
- (3) To provide for the safety, comfort, and soundness of the built environment and related open spaces.
- (4) To protect the compatibility, character, economic stability and orderliness of all development through reasonable design standards.
- (5) To guide public and private policy and action to provide adequate and efficient public and private facilities, the most aesthetically pleasing and beneficial interrelationship between land uses, conserve natural resources such as natural beauty, woodlands, open spaces, and energy both during and after development.

1.4 Authority and Jurisdiction

- (1) This ordinance which was enacted pursuant to Indiana home rule and planning enabling legislation (Indiana Code, titles 36-1-3-4 and the 36-7-4-700 series, as amended) authorizes the Miami County Plan Commission to review and approve or disapprove plats for subdivision throughout the County, except jurisdictions listed here, (**Bunker Hill, Converse and City of Peru**) which show lots, blocks, or sites with or without new streets or highways. This authority extends to the development or resubdivision of undeveloped portions of already recorded plats.

- (2) No building permit or certificate of occupancy shall be issued for any parcel or plat of land which was created by subdivision after the effective date of, and not in conformity with, the provisions of these subdivision regulations, and no excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with the regulations contained herein and in conformity with construction standards adopted by the County.

1.5 Enactment

In order that land may be subdivided in accordance with these purposes and policies, these subdivision regulations are hereby adopted.

1.6 Interpretation, Conflict, and Separability

- (1) In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

(2) Conflict with Public and Private Provisions

(a) **Public Provisions.** The regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.

(b) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made there under. [Note: Private provisions can only be enforced privately unless a public agency has been made party to such agreements.]

- (3) **Separability.** If any part or provision of these regulations or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The County hereby declares that it would have enacted the remainder of these regulations even without any such part, provision or application.

1.7 Saving Provision

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County (and/or municipality) under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the County except as shall be expressly provided for in these regulations.

1.8 Repealed

Upon the adoption of Miami County Subdivision Ordinance according to law, the Subdivision Ordinance of Miami County, adopted August 13, 1984 as amended is hereby repealed, except for such sections expressly retained herein.

1.9 Amendments

For the purpose of providing for the public health, safety, and general welfare, the County, on recommendation of the Commission, may from time to time amend the provisions imposed by these subdivision regulations. The Commission and/or the County in the manner prescribed by law shall hold public hearings on all proposed amendments.

1.10 Conditions

Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to this County. The developer has the duty of compliance with reasonable conditions laid down by the Commission for design, dedication, improvement, and restrictive use of the land in order to conform to the physical and economical development of the County and to the safety and general welfare of the future plot owners in the subdivision and of the County at large.

1.11 Resubdivision of Land

- (1) **Procedure for Resubdivision.** For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Commission by the same procedure, rules, and regulations as for a subdivision.
- (2) **Procedure for Subdivisions Where Future Resubdivision is Indicated.** Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

1.12 Vacation of Plats

Any recorded plat or part of any recorded plat may be vacated only in accordance with I.C. 36-7-3- 11 or 36-7-3-12 as amended 1982, 1983, and 1986.

1.13 Variances

- (1) **General.** Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve a variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; And further provided the commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other nearby property;
 - (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

- (c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;
 - (d) The variance will not in any manner contravene the provisions of the Zoning Ordinance, Comprehensive Plan, or Official Map as interpreted by the Commission.
- (2) **Conditions.** In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (3) **Procedures.** A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

1.14 Enforcement, Violation, and Penalties

(1) General

- (a) It shall be the duty of the Administrator to enforce these regulations and to bring any violations or lack of compliance to the attention of the Commission Attorney.
 - (b) No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the Commission, in accordance with the provisions of these regulations, and filed with the County Recorder.
 - (c) **A plat of a subdivision may not be filed with the auditor, and the recorder may not record it, unless it has been granted secondary approval and signed and certified by designated in the subdivision control ordinance governing the area.**
The filing and recording of the plat is without legal effect unless approved by the Commission.
 - (d) The division of any lot or any parcel of land into a subdivision, as defined in this ordinance, by the use of metes and bounds description for the purpose of sale, or transfer, or lease **resulting in the creation of one or more new building sites** shall not be permitted unless such provision meet the criteria of exemption I or II. All such described divisions shall be subject to all of the appropriate requirements of this ordinance and be approved by the Zoning Administrator.
 - (e) No Improvement Location Permit or Building Permit required under the Uniform Building Code, the Zoning Ordinance or this ordinance shall be issued on any property subject to this ordinance until the provisions of this ordinance have been complied with.
- (2) **Violations and Penalties.** Any person who violates a provision of this ordinance or any regulations herein contained, shall be guilty of a misdemeanor and, upon conviction, shall be **fined not less than ten dollars (\$10.00) and not more than three hundred dollars (\$300.00) for each day's violation in accordance with I.C. 36-01-3-8.**
- (3) **Restraining Provisions**
- (a) Any land within the participating jurisdictions subdivided in violation of the terms of this ordinance after the effective date hereof, is hereby declared to be a common nuisance, which may be restrained, enjoined or abated in any appropriate action or proceeding.
 - (b) The Commission or the Enforcement Officer may institute an injunction suit requesting an individual or governmental unit be directed to remove a structure erected in violation of this ordinance, or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear all cost.

- (c) The Commission or Enforcement officer may institute a suit for mandatory injunction requesting an individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of this ordinance, to comply with the provisions of this ordinance. If the Commission is successful in its suit, the respondent shall pay the Commission's reasonable attorney fees and all costs related to the enforcement of this Ordinance.
- (d) The administrator may enter upon any property during reasonable hours to inspect, or abate the appropriate action of any violation, which may occur, or which has occurred that is not in according with this ordinance.
- (e) The Administrator may impose a stay of work (**Stop Work Order**) on any property that is found to be in violation of the subdivision ordinance. Proceedings and work on the premises affected shall be stayed unless the official or Board certifies to the Board of Zoning Appeals that, a stay would cause imminent peril to life or property. In that case proceedings or work, may not be stayed except by a restraining order.

1-15. ADOPTION:

Approved by the Miami County Plan Commission this 10 day, of JAN 2001

MIAMI COUNTY PLAN COMMISSION

Gary M. Horner
President

James A. Boon
Secretary

1-16 EFFECTIVE DATE

This Ordinance shall be in full force and effect in the manner provided by law in accordance with I.C. 36-7-4-700 series as added by acts 1981, P.L. 309, 23; P.L. 211, 4 and any amendment thereof.

PASSED BY THE BOARD OF COUNTY COMMISSIONER'S, OF THE COUNTY OF MIAMI, INDIANA ON THE 6TH DAY OF JUNE 1967, TO BE EFFECTIVE JULY 1, 1967, AMENDED ON THE 28TH DAY OF MARCH, 1977, AND AMENDED 13TH DAY OF AUGUST 1984 AND NOW AMENDED THIS 16 DAY OF JAN 2001

BOARD OF COUNTY COMMISSIONERS

Michael R. Horner
President

Harold L. O'Hause
Member
Member

Attest: Seal

Brenda J. Weaver
Miami County Auditor

Section II

2.1 Usage

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations".
- (3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2.2 Definitions

Accessory Building. A subordinate structure, the use of which is incidental to that of the dominant use of the principal building or land.

Administrator. The officer appointed by and/or delegated the responsibility for the administration of these regulations by the planning commission. This term shall be construed to include those planning staff members working under the direction of the Administrator in the exercise of his responsibilities in regard to the processing of these Subdivision Regulations.

Advisory Plan Commission. A plan commission serving a single local government jurisdiction established as defined under the Indiana Code, § 36-7-1-2 (1981) as amended and who has exclusive control over the approval of all plats or replats involving land covered by the Subdivision Control Ordinance

Agency. See Public Agency.

Alley. A public or private vehicular right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Applicant. The owner of land proposed to be subdivided or his agent or his legal representative.

Arterial. Either a Primary Arterial or a Secondary Arterial as defined in this section.

Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Board of County Commissioners. Referred to herein as the County Commissioner's so as not to be confused with the Plan Commission, referred to herein as the Commission.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

Buffer Landscaping. Any trees, shrubs, walls, fences, berms, or related landscaping features required under this ordinance or the Zoning Ordinance on private lots and privately maintained for buffering lots from adjacent properties or public rights of way for the purpose of increasing sound and/or visual privacy. (See Screening also.)

Building. Any roofed structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building Code. That County ordinance or group of ordinances establishing and controlling the standards for constructing buildings, utilities, mechanical equipment and all forms of structures and permanent installations and related matters, within the County. Also referred to herein as the County Building Code.

Building Permit. A certificate issued by the Building Permit Official of a governing body permitting a person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within its jurisdiction, or cause the same to be done.

Building Permit Official. That official of local government authorized to issue building permits.

Capital Improvements Program. A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. All major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the more durable, longer lived physical assets for the community are included.

Central Sewerage System. A community sewer system including collection and treatment facilities established by the developer to serve a new subdivision or an existing public sewer system.

Central Water System. A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision.

Certificate. The signed and attested document which indicates that a subdivision has been granted secondary approval by the Commission subsequent to proper public notice of its hearing.

Checkpoint Agency. A public agency or organization called upon by the Commission to provide expert counsel with regard to a specific aspect of community development or required by law to give its assent before subdivision may take place.

Collector Street. A street intended to move traffic from local streets to secondary arterials. (A collector street serves a neighborhood or large subdivision and should be designed so that **no** residential properties face onto it and **no** driveway access to it is permitted unless the property is to be in multifamily use for four (4) or more dwelling units.)

Commission. The County Advisory Plan Commission as referred to herein; not the Board of County Commissioners, or any other commission unless so specified.

Commission Attorney. The licensed attorney designated by the Commission to furnish legal assistance for the administration of this ordinance or as provided by statute.

Comprehensive Plan. Inclusive physical, social, and economic plans and policies in graphic and verbal statement forms for the development of the County, prepared and adopted by the Commission, pursuant to the State Acts, and including any part of such plan and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

Construction Plan(s). The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed for the subdivision in accordance with the requirements of this ordinance as a condition of the approval of the plat.

County Auditor. That County official empowered to examine and settle all accounts and demands that are chargeable against the County and not otherwise provided for by statute.

County Building Code. (See Building Code.)

County Council. The Legislative body of the County who has the authority to adopt, amend or repeal the subdivision ordinance in accordance with 36-7-4-701 and amendment thereof.

County Design Review Committee. A committee established by the County to provide technical services to the Plan Commission in the administration of these regulations.

County Engineer. The licensed engineer designated by the County to furnish engineering assistance in the administration of these regulations.

County Government. That governmental body of the County empowered to adopt planning and public policy ordinances: the County Council, herein referred to only as the Council.

County Health Officer. (See Health Officer.)

County Recorder. The County official empowered to record and file land description plats.

Cul-de-sac. A local street with only one (1) outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement including public safety vehicles.

Dead-end Street. A street or a portion of a street with only one (1) vehicular traffic outlet, and no turnaround at the terminal end.

Designated Officials. Those officials of the Commission designated in the subdivision ordinance as required signatories for the execution of secondary approval.

Developer. The owner of land proposed to be subdivided or his representative. Consent for making applications for development approval shall be required from the legal owner of the premises.

Drainage: Shall mean a way of removing surface water from one location to another by means of trench, swell, pipes or other means that is managed in such a way that other property are protected from erosion, flooding or would create a common nuisance to surrounding properties.

Drives, Private. Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.

Easement. An authorization grant by a property owner for the use by another of any designated part of his property for a clearly specified purpose(s).

Escrow. A deposit of cash with the Commission in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be held by the County Auditor.

Exempt Divisions. (See definition of Subdivision.)

Final Plat. The map, drawing, or plan described in this ordinance of a Subdivision and any accompanying material submitted to the Commission for secondary approval, and which if approved and signed by the designated officials, may be submitted to the County Recorder for recording.

Flood Hazard Areas. Those flood plains which have not been adequately protected from flooding by the Regulatory Flood by means of dikes, levees, or reservoirs, and are shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration or maps provided to the Commission from the State Natural Resources Commission.

Flood Plain. The area adjoining the river or stream which has been or may hereafter be covered by flood water from the Regulatory Flood.

Flood Protection Grade. The elevation of the lowest point around the perimeter of a building at which flood waters may enter the interior of the building.

Floodway. (See Regulatory Floodway.)

Floodway Fringe. Those portions of the Flood Hazard Areas lying outside the Floodway, shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

Foundation. The supporting member of a wall or structure.

Frontage. That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot. Lots shall not be considered to front on stub ends of streets and in the case of corner lots will be considered to front on both intersecting streets. (No access for any one lot is permitted to more than one street and that street generally will be the one calculated to have lower traffic volumes and less frequent intersections.)

Frontage Street. Any street to be constructed by the developer or any existing street in which development shall take place on both sides.

Front Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to the right-of-way line and that right-of-way line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the right-of-way line. The front yard of a corner lot shall be that yard abutting the street upon which the lot has its least frontage.

Governing Body. The body of the relevant local government having the power to adopt ordinances.

Grade. The slope of a street, or other public way, specified in percentage (%) terms.

Health Department and (County) Health Officer. The agency and person designated by the County to administer the health regulations within the County's jurisdiction.

High Density. Those residential zoning districts in which the density is equal to or greater than one dwelling unit per 10,000 square feet.

Highway, Limited Access. A freeway, or expressway, providing for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over such a highway.

Housing Code. That County ordinance controlling the continuing safety and healthfulness of buildings for human occupation within the County's jurisdiction. Also referred to herein as the County Building Code.

Improvements. (See Lot Improvements or Public Improvements.)

Indiana Code. The Burns Indiana Statutes Code Edition, which codifies all Indiana statutes for reference purposes. The latest edition with any amending supplements must be referred to for the laws "now" in force and applicable. (Usually abbreviated as I.C. herein.)

Individual Sewage Disposal System. A septic tank, seepage tile sewage disposal system, or any other approved sewage treatment device approved by the Health Department.

Interested Parties. Those parties who are the owners of properties adjoining or adjacent to the proposed subdivision as shown on the sketch plan.

Joint Ownership. Joint ownership among persons shall be construed as the same owner; "constructive ownership" for the purpose of imposing subdivision regulations.

Land Divider. The owner of a parcel of land to be further divided through making an exempt division.

Landscaping. (See Buffer Landscaping, Screening and Shade Trees.)

Local Street. A street intended to provide access to other streets from individual properties and to provide right-of-way beneath it for sewer, water, and storm drainage pipes.

Lot. A tract, plot, or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or of building development.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Improvement. Any building, structure, work of art, or other object, or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment. Certain lot improvements shall be properly bonded as provided in these regulations.

Low Density. Those residential zoning districts in which the density is equal or less than one dwelling unit per 30,000 square feet.

Major Street. A collector or arterial street.

Major Street Plan. (See Official Map.)

Major Subdivision. Any subdivision not classified as a minor subdivision, including but not limited to subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities, or the creation of any public improvements.

Map. A representation of a part or the whole of the earth's surface, in signs and symbols, on a plane surface, at an established scale, with a method of orientation indicated.

Marker. A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

Master Plan. (See Comprehensive Plan.)

Medium Density. Those residential zoning districts in which the density is between 10,000 and 30,000 square feet per dwelling unit.

Minor Subdivision. Any subdivision containing not more than three (3) lots fronting on an existing street which is an improved right-of-way maintained by the County (or other local government,) not involving any new street or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or this ordinance.

Model Home. A dwelling unit used initially for display purposes which typifies the kind of units that will be constructed in the subdivision. Such dwelling units may be erected, at the discretion of the Commission, by permitting a portion of a major subdivision involving no more than two (2) lots to be created according to the procedures for minor subdivisions, as set out in these regulations.

Monument. A physical structure which marks the location of a corner or other survey point.

Nonresidential Subdivision. A subdivision whose intended use is other than residential, such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Off-Site. Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval.

Official Map. The map or maps established by the County pursuant to law showing the existing and proposed streets, highways, parks, drainage systems and set-back lines theretofore laid out, adopted and established by law, and any amendments or additions thereto adopted by the County or additions thereto resulting from the approval of subdivision plats by the Commission and the subsequent filing of such approved plats.

Official Master Plan. (See Comprehensive Plan.)

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these regulations.

Parcel. A part or portion of land having a legal description formally set forth in a conveyance together with the boundaries thereof, in order to make possible its easy identification.

Perimeter Street. Any existing street to which the parcel of land to be subdivided abuts on only one side.

Plan Commission. The Miami County's Advisory plan body as established in accordance with Indiana law, often referred to herein simply as the Commission.

Plat. A map indicating the subdivision or resubdivision of land filed or intended to be filed for record with the County Recorder.

Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.

Primary Approval. An approval (or approval with conditions imposed) granted to a subdivision by the Commission after having determined in a public hearing that the subdivision complies with the standards prescribed in this Ordinance (per I.C. § 36-7-4-700 series: Subdivision Control).

Primary Arterial. A street intended to move through-traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities, military installations, major industrial areas, and similar traffic generators within the county; and/or as a route for traffic between communities; a major thoroughfare.

Principal Use Building. A building in which the principal use of the lot or parcel is conducted. Standards recognized by the Indiana Administrative Building Council shall be used to determine whether a given structure constitutes one or more buildings in cases where ambiguities exist. Residential use shall mean only one dwelling on any lot.

Public Agency. An agency or government department acting under the aegis of and representing an elected or appointed council, commission, or other policy-making or advisory body of federal, state or local government to whom it is responsible.

Public Improvement. Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. (All such improvements shall be properly bonded.)

Rear Yard. A yard as defined herein, encompassing the horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.

Registered Land Surveyor. A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

Registered Professional Engineer. An engineer properly licensed and registered in the State of Indiana or permitted to practice in Indiana through reciprocity.

Regulatory Flood. That flood having a peak discharge which can be equaled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the State Natural Resources Commission; this flood is equivalent to a flood having a probability of occurrence of one percent (1%) in any given year.

Regulatory Flood Elevation. The maximum elevation, as established by the Indiana Department of Natural Resources, reached by the Regulatory Flood at the locations in question relevant to approval of a given subdivision under consideration.

Regulatory Floodway. The channel of a river or stream and those portions of the Flood Plains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flow of the Regulatory Flood of any river or stream shown on the Floodway-Flood Boundary Maps of the Federal Insurance Administration.

Restrictive Covenants. Limitations of various kinds on the usage of lots or parcels of land within a subdivision which are proposed by the subdivider, and, in the case of public health, safety and welfare by the Commission, that are recorded with the plat and run with the land.

Resubdivision. A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or setback; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-way. A strip of land occupied or intended to be occupied by a street, pedestrian-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, special landscaping, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, screening or special landscaping, or any other use involving maintenance by a public agency shall be dedicated to public use by the subdivider on whose plat such right-of-way is established.

Road(s). (See Street(s).)

Sale or Lease. Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession, or transfer, of an interest in a subdivision or part thereof, whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession, or other written instrument.

Same Ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner, or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Screening. Either (a) a strip of at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year-round dense screen at least six (6) feet high; or (b) an opaque wall or barrier or uniformly painted fence at least six (6) feet high. Either (a) or (b) shall be maintained in good condition at all times and may have no signs affixed to or hung in relation to the outside thereof except as permitted or required under the Zoning Ordinance. Where required by the Zoning Ordinance a screen shall be installed along or within the lines of a plot as a protection for adjoining or nearby properties. Earth berms may be incorporated as part of such screening measures where appropriate.

Secondary Approval. The stage of application for formal Plan Commission approval of a final plat of a subdivision the construction of which has been completed or substantially completed which, if approved and signed by the designated officials may be submitted to the County Recorder for filing.

Secondary Arterial. A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary educational plants, hospitals, major recreational areas, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Setback. A line parallel to and equidistant from the relevant lot line (front, back, side) between which no buildings or structures may be erected as prescribed in the County Zoning Ordinance.

Shade Tree. A tree in a public place, special easement, or right-of-way adjoining a street as provided in these regulations.

Side Lot Lines. Any lines separating two lots other than front or rear lot lines.

Sketch Plan. The initially submitted graphic representation of a proposed major subdivision, drawn to approximate scale, either superimposed upon a print of a topographic survey, or presented in any other suitable graphic medium or form acceptable to the Commission; and, in the case of a minor subdivision, the drawing or drawings indicating the proposed manner of layout of the subdivision meeting the conditions of the subdivision ordinance to be submitted to the Commission for primary approval.

Special Landscaping. Areas of tree planting, shrubs, or other landscape features serving a public purpose and maintained by the County. (See also Buffer Landscaping and Screening.)

State Acts. Such legislative acts of the State of Indiana as they affect these regulations.

State Plane Coordinates System. A system of plane coordinates, based on the Transverse Mercator Projection for the Western Zone of Indiana, established by the United States Coast and Geodetic Survey for the State of Indiana.

Stop Work Order or Work Stay Order: An order given by the Administrator, Plan Commission or Board of Zoning Appeals to cease all work on any land or structure that is or may be in violation of this Ordinance.

Street , Dead-End: A street or a portion of a street with only one (1) vehicular-traffic outlet.

Street Right-of-Way Width. The distance between property lines measured at right angles to the center line of the street.

Streets, Classification. For the purpose of providing for the development of the streets, highways, and rights-of-way in the governmental unit, and for their future improvement, reconstruction, realignment, and necessary widening, including provision for curbs and sidewalks, each existing street, highway, and right-of-way, and those located on approved and filed plats, have been designated on the Official Map of the County or Thoroughfare Plan and classified therein. The classification of each street, highway, and right-of-way is based upon its location in the respective zoning districts of the County and its present and estimated future traffic volume and its relative importance and function as specified in the County Comprehensive Plan and/or its Thoroughfare Plan component. The required improvements shall be measured as set forth for each street classification on the Official Map.

Structure. Anything constructed or erected that requires location on or in the ground or is attached to something having a location on or in the ground.

Subdivider. Any person who (1), having a proprietary interest in land, causes it, directly or indirectly, to be divided into a subdivision; or who (2), directly or indirectly sells, leases, or develops, or offers to sell, lease, or develop, or advertises for sale, lease, or development, any interest, lot, parcel site, unit, or plat in a subdivision; or who (3) engages directly, or through an agent, in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision of any interest, lot, parcel site, unit, or plat in a subdivision; and who (4) is directly or indirectly controlled by, or under direct, or indirect common control with any of the foregoing.

Subdivision. The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms,

and conditions, including resubdivision. Subdivision includes the division of development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions" and are classified into two categories: Exempt I and Exempt II. These divisions are exempt from most provisions of this ordinance. Exempt I divisions must be one of the following types of division:

- (a) A division of land into two (2) or more tracts of which all tracts are at least twenty (20) acres in size;
- (b) A division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;
- (c) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;
- (d) A division of land for federal, state or local government to acquire street right-of-way;
- (e) A division of land for the transfer of a tract or tracts between adjoining lots provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each. (See Principal Use Building.)
- (f) A division of land into cemetery plots for the purpose of burial of corpses.

Exempt I divisions are subject only to the provisions of Sections 3 of this ordinance, but shall be exempt from other provisions of this ordinance not specified or referred to in those sections.

Exempt II divisions are divisions of land into not more than three (3) parcels 30,000 sq ft or more in size but less than twenty (20) acres. Such divisions shall conform to Sections 3 of this ordinance but shall be exempt from other provisions of this ordinance not specified or referred to in those Sections.

Subdivision Agent. Any person who represents, or acts for or on behalf of, a subdivider or developer, in selling, leasing, or developing, or offering to sell, lease, or develop any interest, lot, parcel, unit, site, or plat in a subdivision, except an attorney-at-law whose representation of another person consists solely of rendering legal services, and is not involved in developing, marketing or selling real property in the subdivision.

Subdivision, Exempt. (See Subdivision.)

Subdivision, Major. (See Major Subdivision.)

Subdivision, Minor. (See Minor Subdivision.)

Temporary Improvement. Improvements built and maintained by a subdivider during construction of the subdivision and intended to be replaced by a permanent improvement prior to release of the performance bond or turn around improvements at the ends of stub streets intended to be replaced when the adjoining area is developed and the through street connection made.

Thoroughfare Plan. (See Official Map.)

Yard. A space on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Zoning Administrator. The person appointed to enforce this ordinance

Zoning Ordinance. That County ordinance setting forth the regulations controlling the use of land in the unincorporated areas and in those jurisdictions within the County not controlling land use through their own zoning ordinances. Also referred to as the County Zoning Ordinance.

SECTION III

3.1 General Procedures

- (a) **Discussion of Requirements: Predesign Conference.** Prior to submitting any of the materials required by this ordinance, the applicant or his representative should discuss with the Administrator the nature of the land division being proposed, so that the applicant may be instructed concerning the classification of his subdivision and what regulatory procedures apply to it and must be followed under this ordinance in order to secure primary and secondary approval. Where applicable, requirements concerning the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services should be discussed. They shall discuss the distinction between major and minor subdivisions and exempt divisions as defined in this ordinance.

3.2 Sketch Plan

Sketch plans submitted to the Commission, prepared in pen or pencil, shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information.

- (a) Name of subdivision if property is within an existing subdivision.
- (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any subdivision plat previously recorded nor for which primary approval is still in effect.
- (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (d) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
- (e) Citation of any existing legal rights-of-way or easements affecting the property.
- (f) A complete copy of any existing covenants on the property.
- (g) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
- (h) Location of property, name of local jurisdiction, lot, section, township, range and county, graphic scale, north arrow, and date.

(3.3) Features To Be Included on Sketch Plans

- (a) Location of property lines, existing easements, burial grounds, railroad rights-of-ways, watercourses, and existing wooded areas, location, width, and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, names of adjacent and adjoining property owners.
- (b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights-of-way.

- (c) Approximate topography, at the same scale as the sketch plan (normally showing two (2) foot contour intervals but the Administrator may require one (1) foot intervals on very flat land or permit five (5) foot intervals on very steep slopes).
 - (d) The approximate location and widths of proposed streets.
 - (e) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
 - (f) The approximate location, dimensions, and areas of all proposed of existing lots.
 - (g) The approximate location, dimensions, and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
 - (h) The location of temporary stakes to enable the Commission to find and appraise features of the sketch plan in the field.
 - (i) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
 - (j) A vicinity map showing streets and other general development of the surrounding area.
- (3.4) **Classification of Land Divisions.** All land to be divided shall be categorized into one of the three (3) main classes of land division indicated in this ordinance's definition of subdivision. These classes are:
- (a) Major subdivisions,
 - (b) Minor subdivisions, and
 - (c) Exempt divisions (see Exemption section IV)
- (3.5) **Submission Checkpoint.** The administrator may contact the checkpoint agencies so that comments may be made for the location in a written report within ten (10) days of the hearing. No response from an agency shall be interpreted as meaning "no objection".
- Checkpoint agencies shall be as follow:
- Miami County Surveyor office
 Miami County Engineer
 Miami County Highway Supervisor
 Soil and Water Conservation Services
 County Health Office
- (1) **Classification of Subdivision.** After an application for sketch plan approval has been submitted, and at the time of sketch plan review the Administrator shall classify the proposed subdivision as either major or minor as defined in this ordinance.
 - (2) **Application Requirements.** If the Administrator fines that the applicant must file a subdivision plans the following procedures shall be submitted for review.

(3.6) Preliminary Plat Procedures for Primary Approval

- (a) **Preparation.** The preliminary plat shall be prepared by a licensed land surveyor or Engineer at a convenient scale of not more than one hundred (100) feet to the inch, the sheets shall be numbered in sequence if more than one (1) sheet is used and shall be of such size as is acceptable for filing in the office of the County Recorder, but shall not be larger than twenty-four by thirty (24 x 30) inches). (It should be noted that the map prepared for the preliminary plat may also be used for the final subdivision plat and, therefore, should be drawn on tracing cloth or reproducible Mylar.
- (b) Plans for preliminary plat shall be submitted to the Plan Commission at least fifteen (15) days prior to the regular meeting of the Commission for which it is intended to be heard. The entire subdivision plan shall be submitted

© There shall be three (3) copies of the plans with the following Information

(3.7) Required Information

- (a) Name of the Subdivision and all new streets (the Commission may change the names if conflict With other streets or subdivision
- (b) Name and Address of Developer if other than owner. Including all owners of the land to be subdivided
- © Name of Surveyor or Engineer along with seal. (see Surveyor statement this ordinance)
- (d) North Line and Scale
- (e) Contours at vertical intervals of two (2) feet if the general slope is less than 10% and five- (5) feet interval if More than 10 %.
- (f) Street and right-a-way including name of street.
- (g) Public area.
- (h) Lots, number and size give dimensions, bearing and area of each lot.
- (i) Building setback lines.
- (j) Legal description of property being divided.
- (k) Location Map with nearest crossroads and surrounding property.
- (l) Utilities easement.
- (m) Drainage plan.
- (n) Soil survey stating soil is suitable for septic systems.

(3.8) Administrative Review. Subsequent to placement on the agenda, and prior to the date of public hearing, the administrator shall review the proposal and prepare a written report to the Commission indicating a recommendation with regard to the subdivision being proposed. The developer shall file all forms made available by the Plan Commission Office with the filing fee of twenty-five Dollars (\$25.00) plus two Dollars (\$2.00) per lot.

(3.9) Public Hearing Notification The Commission shall hold a public hearing on the preliminary plat and notice of such hearing shall be in the local newspapers of general circulation ten (10) days prior to the hearing (per I.C. § 5-3-1) at the applicant's expense. At the time of the public hearing the applicant shall submit statements showing the public hearing was published at least ten (10) days prior to the public hearing. , The Administrator shall show That interested parties were notified by Mail five days prior to the hearing of the date, time, place and purpose of the public hearing.

(3.10) Primary Approval of the Preliminary Plat. After the Commission has held a hearing upon the preliminary plat, the Administrator's report, checkpoint recommendations, testimony, and exhibits submitted at the public hearing, the applicant shall be advised of any required changes and/or additions. The Commission shall at a public hearing, grant primary approval, or disapprove of the preliminary plat. One (1) copy of the preliminary plat shall be returned to the applicant with the date of approval, conditional approval, or disapproval and the reasons therefore accompanying the plat within five (5) days after the public hearing.

- (3.11) **Field Trip.** The Commission, at its discretion, upon hearing the request for primary approval, may elect to continue the matter until its next regularly scheduled public meeting, and may schedule a field trip to the site of the proposed subdivision, accompanied by the applicant or his representative or any other person or persons at the discretion of the Commission. These procedures shall be in accordance with I.C. 5-3-1
- (3.12) **Effective Period of Primary Approval.** Unless extended, the primary approval of a preliminary plat shall be effective for a period of two (2) years after the date of primary approval, at the end of which time secondary approval of the subdivision must have been obtained. The Commission may extend the primary approval of a preliminary plat in increments of two (2) years beyond an expiration date without further notice and public hearing. Secondary approval of subdivision cannot occur until a minimum of ten (10) days has elapsed since the granting of primary approval

(3.13) Final Approval

(a) Submission Requirements.

Following primary approval or conditional primary approval of the preliminary plat and approval of the construction plans, the applicant, if he wishes to proceed with the subdivision, shall file with the Administrator a request for secondary approval of a final plat. The application shall:

- (i) be submitted on forms available at the Office of the Commission;
- (ii) include the entire subdivision, or section thereof which derives access from an existing state, county, or municipal roadway;
- (iii) be accompanied by three (3) copies of the final plat as described in this ordinance;
- (iv) totally comply with the ordinance and the terms and conditions of primary approval;
- (v) be accompanied by the performance bond, if required, in a form satisfactory to the Commission Attorney and in an amount established by the Commission upon recommendation of the participating jurisdiction and shall guarantee the completion of all required subdivision and off-site public improvements;
- (vi) be accompanied by any restrictive covenants in a form approved by the Commission, where they have been proposed by the subdivider or required by the Commission. (See Enforcement of Covenants this ordinance)

(b) The following information shall be on final plats. No plat shall be recorded until the Plan Commission has given final approval or approved by plat committee and sign by the County Commissioner's.

1. Final Plat shall be on 20 X 30 Mylar print in three copies.
2. Name of Subdivision
3. North Line
4. Name and signature block of developer (see Page this ordinance).
5. Name and signature block of Surveyor (see Page this ordinance).
6. Approval block of Plan Commission, Three signature. President, Vice President and secretary (see page this ordinance).
7. Lot lines and size

8. Building lines
9. Street and right-a-way
10. Deed of dedication for street and right-a-way
11. Public areas
12. Location Map
13. Utilities Easements and drainage easement
14. Notary block
15. Scale in feet
16. County Commissioner's approval block (see Page this ordinance).
17. Drainage plan may be submitted on construction plans.

NOTE

Any developer of a site five (5) acres or more must file with the State Erosion Control Site plan showing Erosion Control in accordance with regulation 327 IAC 15-5 (rule 5)

- (c) **Determination of Conformance (Secondary Approval).** In order to be recorded, a final plat shall either be found to be in conformance with the primary approval by the Plat Committee, or by the Commission at a public hearing. If the final subdivision plat deviates from the preliminary plat that received primary approval, the subdivision shall be resubmitted to the Commission at a public meeting for a new primary approval. The subdivider submitting a final plat conforming to the primary approval shall choose as to whether this review is to be performed by the Plat Committee, or by the Commission at a public meeting

- (i). Should the subdivider not choose Commission review, the Plat Committee may review the items submitted in order to ascertain the sufficiency as to conformance with the primary approval. If the submission is found to be in conformance and complete, the Plat Committee shall recommend the signing of the certificate granting secondary approval. Secondary approval shall not be given less than ten days after preliminary approval.

The Plat Committee shall consist of the following Members

President of Plan Commission
 Vice President or Secretary of Plan Commission
 County Surveyor
 County Engineer
 County Highway supervisor
 Member of SWCS
 Zoning Administrator

- (ii) Should the subdivider choose Commission review, the Commission shall determine conformance with the primary approval at a public hearing. The subdivider shall request Commission review in writing no less than fifteen (15) calendar days prior to the date of the public meeting at which he intends to have his final plat reviewed. The Commission shall place the matter on its next regular meeting agenda.

- (d) **Sectionalizing Plats.** Prior to granting secondary approval of a major subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as will be commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for filing. Such sections must contain at least fifteen (15) lots or ten percent (10%) of the total number of lots contained in the approved plat, whichever is less. The approval of all remaining sections not filed with the Plat Committee shall automatically expire

after five (5) years from the date of primary approval of the preliminary plat, unless the expiration date has been extended.

(3.14) Signing and Recording a Plat

(a) Signing of Plat

- (i) When the filing of a performance bond is required, the Designated Officials of the Commission shall endorse approval on the plat by signing the certificate after the bond and the construction plans have been approved, and all the conditions of the primary approval have been satisfied. Whenever a performance bond has been posted lots may be sold and Improvement Location Permits may be issued up to fifty (50%) percent of the development that has been given secondary approval.
- (ii) When installation of improvements is required the Designated Officials of the Commission shall endorse secondary approval on the plat by signing the certificate after all conditions of the primary approval have been satisfied. No Lots may be sold and No Improvement Location Permit shall be issued until all requirements have been satisfied.

(3.15) Recording of Plat

- (i) The Designated Officials shall sign the certificate granting secondary approval which shall be part of the tracing cloth or reproducible Mylar of the subdivision plat, plus two (2) Mylar prints of the subdivision plat. The Mylar prints shall be returned to the applicant and his engineer or surveyor.
- (ii) It shall be the responsibility of the subdivider in the presence of the Commission's Administrator or his designee to file the plat with the County Recorder within thirty (30) days of the date of signature. Failure of the subdivider to file the plat as herein provided within thirty (30) days shall constitute a violation of this Ordinance.

SECTION IV

4.0 EXEMPTION: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivision includes the division of development of land zoned for residential and nonresidential uses, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. The following kinds of divisions of existing parcels of land are herein called "Exempt Divisions" and are classified into two categories: Exempt I and Exempt II. These divisions are exempt from most provisions of this ordinance.

(4.1) General Procedure for Exempt I Divisions. In order for a land division to be considered an Exempt I division the information prescribed for the applicable type of division under this chapter shall be submitted to the Administrator so that he can determine whether the division meets the provisions of the definition for this classification and therefore can issue to the subdivider a Statement of Compliance to the applicable provisions of this ordinance. Both the subdivider and the Administrator shall hold copies of the Statement of Compliance. When the parcel so exempted by this Statement is conveyed to another party the copy of the instrument of such conveyance shall be recorded with the County Recorder bearing a stamp of approval signed by the Administrator indicating that such Statement of Compliance has been obtained as ascertained by the copy(s) of the Statement which have been held for this purpose.

Exempt I divisions: Must be one of the following types of division and provide the following information

- (a) A division of land into two (2) or more tracts of which all tracts are at least twenty (20) acres in size;

Type "a" division Metes and bounds legal description of the exempt division and the land from which it is being divided
- (b) Division of land for the transfer of a tract or tracts to correct errors in an existing legal description, provided that no additional building sites other than for accessory buildings are created by the division;

Type "b" divisions the old legal and new legal descriptions.
- (c) A division of land pursuant to an allocation of land in the settlement of a decedent's estate or a court decree for the distribution of property;

Type "c" divisions a copy of the court decree showing by legal description how the land is to be divided.
- (d) A division of land for federal, state or local government to acquire street right-of-way;

Type "d" divisions a legal description and plot plan showing the parcel and the location of the street right-a-way.
- (e) A division of land for the transfer of a tract or tracts between adjoining lots owner provided that no additional principal use building sites are created by the division. The lots so created hereunder shall have only one principal use building site each. (See Principal Use Building.)

Type "e" division a legal description and plot plan showing the tract to be divided and the tract(s) to be added to.
- (f) A division of land into cemetery plots for the purpose of burial of corpses.

Type "f" division a plat of the cemetery showing the layout of the private drives, parking areas, and the size of the burial lots.

Exempt I divisions are subject only to the provisions of this chapter of this ordinance, but shall be exempt from other provisions of this ordinance

- (4.2) **General Procedure for Exempt II Divisions.** In order for a land division to be considered an Exempt II Division and thus be exempted from all other provisions of this ordinance except the definitional requirements in Section 2.2 under Subdivisions, the requirements this chapter certain conditions shall be met and certified to the appropriate agency by the Administrator after his determination of qualification for this status has been made necessary for Exempt II Divisions. Exempt II Division shall be shown as meeting the following conditions.
- (4.3) **Exempt II divisions:** Are divisions of land into not more than three (3) parcels 30,000 sq ft or more in size but less than twenty (20) acres. Such divisions shall conform to this chapter of this ordinance but shall be exempt from other provisions of this ordinance not specified or referred to in those Sections.
- (4.4) **Necessary conditions for Exempt "II" Divisions.** In addition to definitional requirement, a land division qualifying as an Exempt "II" Division shall show as meeting the following conditions.
- (a) If a parcel created by such an exempt division does not have sanitary sewer service available to it, that tract shall contain within its boundaries sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE13 (1988) or its successor to allow for the proper installation of an on-site sewage disposal system.
 - (b) If a parcel created by such an exempt division has frontage on a public road, the land divider shall dedicate to the public real property of a width sufficient to meet one-half (1/2) of the required right-of-way width for that specific public road as indicated on the County Thoroughfare Plan or the Official Map and of a length along that public road equal to the length of that parcel along that roadway.
 - (c) If a parcel created by such an exempt division has a fifty (50) foot frontage off a public road, there shall be a minimum of One Hundred and Fifty (150) by two hundred (200) feet width and depth and thirty thousand (30,000) square feet at the end of the road frontage in order to be a building site. The fifty feet width leading to the property shall be part of the building site and shall not be an easement and shall not count as part of the building site.
- (4.5) **Certification of Exempt II Divisions.** As the conditions in Section 3.5 (2) apply, the land divider shall provide to the Administrator:
- (i) Written evidence that the County Board of Health has been satisfied by a duly authorized representative of a qualified soil testing service as to the presence within the parcel of sufficient soil of a kind defined by Indiana State Board of Health Bulletin HSE 25-R or its successor to allow for the proper installation of an on-site septic sewage disposal system;
 - (ii) Official documentation indicating the dedication of right-of-way to the appropriate jurisdiction;
- (4.6) **Exempt Division Review Process.** Within three (3) working days of the land divider's complete submission of the required information the Administrator shall review the submission and notify the land divider that his proposed land division either qualifies as an exempt division and is thus exempt from all

other provisions of this ordinance, or does not qualify as an exempt division and is thus subject to the relevant subdivision processes described in this ordinance.

(Note) A division of land may not be filed with the auditor, and the recorder may not record it, unless the Land owner has filed with the Zoning Administrator that the parcel shall be exempt from subdivision under Exemption I or II.

- (a)** Any Exemption or division which have been divided after 1986 shall be counted as part of the exempt division and shall meet all the requirement of this ordinance. Any exemption prior to 1986 shall not be counted as part of exempt division however, all division shall meet the guidelines of this ordinance.
- (b)** Once a subdivision has been filed on a parcel of land no exemption shall be authorized. All division shall become a part of the subdivision and filed as an extension of that subdivision.

SECTION V

(5.0) General Improvements

(5.1) **Conformance to Applicable Rules and Regulations.** In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

- (a) All applicable state and local statutory provisions;
- (b) The County Zoning Ordinance, Building and Housing Codes, and all other applicable laws and ordinances of the appropriate jurisdictions;
- (c) The Comprehensive Plan, Official Map or Thoroughfare Plan, Public Utilities Plan, and Capital Improvements Program of the County including all streets, drainage systems, and parks shown on the Official Map or Comprehensive Plan as adopted;
- (d) The provision of adequate potable water for human consumption Sanitary sewerage and sewage treatment facilities must be adequate to prevent water pollution and other health problems. Requiring separate storm and wastewater sewerage systems is important for long-run water pollution prevention even if the rest of the urbanized area still has combined sewers because, In probability, the regulations and any rules of the Health Department and/or appropriate state agencies;
- (e) The rules and regulations of the Indiana Department of Highways if the subdivision or any lot contained therein abut a state highway or state frontage road;
- (f) The highway and drainage standards and regulations adopted by the County Engineer and all boards, commissions, agencies, and officials of the County.

(5.2) **Plat approval** may be withheld if a subdivision is not in conformity with the above guides and requirements or with the policies and purposes of these regulations established in of this ordinance.

(5.3) **Self-Imposed Restrictions.** If the owner places restrictions on any of the land contained in the subdivision greater than those required by the Zoning Ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision plat, or the Commission may require that restrictive covenants be recorded with the County Recorder in a form to be approved by the Commission Attorney. **The Enforcement officer may not enforce the covenants of a subdivision unless the Plan Commission is made a part of the covenants as an enforcement agency. (see Section VII)**

Plats Straddling Municipal Boundaries. Whenever access to the subdivision is required across land in another jurisdiction the Commission may request assurance from the County Attorney that such access is legally established, and from the County Engineer that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in the amount to assure the construction of the access road. Lot lines shall be laid out so as not to cross municipal boundary lines.

(5.4) Boundary Improvements

- (a) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, concrete monuments four (4) inches square or four (4) inches in diameter and forty (40) inches long with an iron pipe cast in the center, at each corner or angle of the ultimate outside boundary. They shall be set following grading of each phase of the subdivision.

- (b) The subdivider shall have placed, under the supervision of a Registered Land Surveyor, pipes or steel rods, three-fourths (3/4) of an inch in diameter by thirty (30) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit.
- (5.5) **Character of the Land.** Land which the Commission finds to be unsuitable for subdivision or development because of flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which might reasonably be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Commission, upon recommendation of the County Engineer, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for such uses permitted by the Zoning Ordinance as shall not involve any such danger.
- (5.6) **Subdivision Name.** The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Plan Commission shall have final authority to designate the name of the subdivision which shall be determined at the time of primary approval.
- (5.7) **Lot Improvements**
- (a) **Lot Arrangement.** The lot arrangement shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in securing building permits to build on each of the created lots in compliance with the Zoning Ordinance and Health Regulations and in providing driveway access to buildings on such lots from the appropriate approved street.
 - (b) **Lot Dimensions.** Lot dimensions shall comply with the minimum standards in the Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve all such potential lots in compliance with the Zoning Ordinance and these regulations. In general, side lot lines shall be at right angles to the street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum front yard setback from both streets. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for all of the off-street parking and loading facilities required for the type of use and development contemplated, as established in the Zoning Ordinance.
- (c) **Double Frontage Lots and Access to Lots**
- (1) **Double Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide for the separation of residential development from the traffic on bordering arterials or to overcome specific disadvantages of topography and orientation affecting the subdivided lots.
 - (2) **Access from Primary and Secondary Arterials.** Lots shall not, in general, derive access from a primary or secondary arterial street. Where driveway access from a primary or secondary arterial street may be the only possible access for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible traffic hazards from multiple access to such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on primary or secondary arterials.
- (5.8) **Blocks**
- (a) Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to arterial streets, rail roads, and waterways.

- (b) The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed two thousand six hundred (2,600) feet nor be less than four hundred (400) feet in length. Blocks along arterioles and collector streets shall not be less than one thousand (1000) feet in length.
- (c) In long blocks the Commission may require the reservation of easements through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks not less than ten (10) feet wide, may be required by the Commission through the center of blocks more than eight hundred (800) feet long or at other appropriate locations and at the ends of the cul-de-sacs where deemed essential to provide for circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities. Blocks designed for industrial uses shall be of such length and width as may be determined to be suitable by the Commission for the intended use.

(5.9) Soil Preservation, Grading and Seeding

- (a) **Final Grading.** Topsoil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least six (6) inches of cover and shall be stabilized by seeding or planting.
- (b) **Lot Drainage.** Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area. Drainage shall be designed so as to avoid the accumulation of storm water on any one or more lots from adjacent lots. It shall be the responsibility of the lot owner to maintain the lot grade, as it applies to drainage, as provided for in the approved construction plans.
- (c) **Lawn-grass Seed.** . All lots shall be seeded from the roadside edge of the unpaved right-of-way back to a distance of twenty-five (25) feet behind the principal residence on the lot.

(5.10) Debris and Waste. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste material of any kind shall be buried in any land, or left or deposited on any lot or street at the time of occupancy within a subdivision, nor shall any be left or deposited in any area of the subdivision at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

(5.11) Fencing. Each subdivider and/or developer shall be required to furnish and install fences wherever the Commission determines that a hazardous condition may exist. The fences shall be constructed according to standards established in the Zoning Ordinance and shall be noted as to height and material on the final plat. No certificate of occupancy shall be issued until said fence improvements have been duly installed.

(5.12) Waterbodies and Watercourses. If a tract being subdivided contains a water body, or portion thereof, lot lines shall be so drawn as to distribute the entire ownership of the water body among the fees of adjacent lots. The Commission may approve an alternative allocation of interests whereby the ownership of and responsibility for safe maintenance of the water body is so placed that it will not become a local government responsibility. No part of the minimum area of a lot required under the Zoning Ordinance may be satisfied by land which is under water. Where a watercourse separates the buildable area of a lot from the street from which it has access, provisions shall be made for installation of a culvert or other structure, of a design approved by the County Engineer.

(5.13) Streets General Requirements

- (a) **Frontage on Improved Streets.** No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street on the Official Map, or if

there is not an Official Map, unless such a street is: an existing state, county, or township highway, or

- (i) A street shown upon a plat approved by the Commission and recorded in the office of the County Recorder of Deeds. Such street or highway must be suitably improved as required by the highway rules, regulation specifications, or orders, or be secured by a performance bond required under these regulations, with the width and right-of-way required by these regulations or as indicated on the Official Map or Thoroughfare Plan. Whenever the area to be subdivided is to use an existing street frontage, such street shall be suitably improved as provided herein above.
- (ii) When every a subdivision of more than five lots along a state or county road is development the Commission may require a turn lane or access road to be Construction to minimize the risk or traffic hazards

- (b) **Grading and Improvement Plan.** Streets shall be graded and improved and conform to the County construction standards and specifications and shall be approved as to design and specifications by the County Engineer, in accordance with the construction plans required to be submitted prior to secondary approval.

(5.14) Topography and Arrangement

- (a) *Streets shall be related appropriately to the topography.* All streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and sharp curves shall be avoided. Specific standards are contained in the design standards of these regulations.
- (b) All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established on the Official Map or Thoroughfare Plan, and/or Comprehensive Plan.
 - (1) Widths of streets and highways shall conform to the width specified by the Miami County Highway superintendent standards cross-section; are recommended specification.
 - (2) All cul-de-sacs shall terminate in a curricular right-of-way with a minimum diameter of one hundred (100) feet and shall not exceed six hundred feet in length.
 - (3) Alley shall be discouraged in residential district but should be included in Commercial and industrial areas where needed for loading and unloading, or access purposes. Where alley are platted they shall be fourteen (14) feet in width.
- (c) All local and collector streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers, to population densities; and to the pattern of existing and proposed land uses.
- (d) Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to the property.
- (e) Rigid, rectangular "gridiron" street patterns are generally to be avoided, and the use of casually curvilinear streets, cul-de-sacs, or loop streets shall be encouraged where such use will result in a more desirable lay-out and relate better to the existing topography. On flat land, innovative, varying geometrical street patterns shall be encouraged where they are likely to enhance visual

interest and a sense of order for those using them (e.g., non-grid rectilinear, trapezoidal, polygonal, or other geometric patterns).

- (f) Proposed streets shall, where appropriate, be extended to the boundary lines of the tract to be subdivided unless this is prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension(s) is/are not necessary or desirable for the coordination of the layout of the subdivision under consideration with the existing street layout or for the most advantageous future development of adjacent tracts
- (g) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, bikeways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

(5.15) STREETS DESIGN

A. Street (and alley when provided) shall be completed to grades shown on plans, profiles, and cross-sections, provided by the subdivider, and prepared by a registered professional engineer and approved by the commission.

B. The street shall be graded, surfaced and improved to the dimensions required by such plans, profiles and cross-sections and the work shall be performed in the manner prescribed in “**standard** specifications for road and bridge construction and maintenance” (current Issue) of the Department of Transportation.

C. The street pavement shall be of Portland cement concrete or a flexible pavement of a width as shown in (figure 6-3) this ordinance and shall be constructed in accordance with design characteristics at least equal to those given below.

DESIGN CHARACTERISTICS OF STREET & ALLEY PAVEMENT

Kind of pavement & thickness	PRIMARY	SECONDARY	LOCAL	ALLEY
Portland Cement Concrete	8"	7"	6"	6"
FLEXIBLE				
Surface- Asphaltic concrete, type "B"	1 ½"	1 ½"	1 ½"	1 ½"
Binder- Asphaltic-concrete or bituminous coated blended aggregate	5"	3"	3"	3"
Base- Compacted aggregate Or water bound macadam	8"	8"	6"	4"
Subbase - type II	6"	6"	6"	6"
Total Thickness	19 ½"	17 ½"	13"	11"

D. Prior to placing the street and alley surfaces, adequate subsurface drainage for the street shall be provided by the subdivider. Subsurface drainage pipe, when required, shall be coated corrugated pipe or similar type not less than twelve (12) inches in diameter approved by the Commission. Plans and profiles as built shall be filed with the Commission.

E. Street Names. The sketch plan, as submitted, shall indicate names of proposed streets regarding duplication of names and possible confusion. After reviewing them the Administrator shall inform the subdivider of his recommendations for their possible revision during the sketch plan review. Names shall be sufficiently different in sound and in spelling from other street names in the County or other nearby areas so as to avoid confusion. A street, which is, or is planned as, a continuation of an existing street, shall bear the same name.

- (5.16) Access to Collector Streets.** Where possible, lots in single family residential subdivisions fronting on collector streets shall be avoided and lots at the corners of intersections between local and collector streets shall front on the local street and have driveway access to it only and not to the collector street. In multiple family residential areas entrances to group parking lots shall have access only to collector streets (where possible) and such entrances shall be widely spaced.
- (5.17) Access to Primary Arterials.** Where subdivision borders on or contains an existing or proposed primary street, the Commission may require that access to it be limited by one of the following means:
- (a)** The subdivision of the lots so as to back onto the primary arterial and front onto a parallel local street; no access shall be provided from the primary street and screening shall be provided within a strip of land along the rear property line of such lots;
 - (b)** A series of cul-de-sacs, or loop streets entered from, and designed generally to be at right angles to an access street that is at some distance from and parallel to the arterial street, with the rear lines of their terminal lots backing onto the arterial; and,
- (5.18) Street Regulatory Signs.** The applicant shall provide and install a Name and regulatory street sign at every street intersection within his subdivision as required by the County Engineer. The County shall inspect and approve all street signs before issuance of certificates of occupancy for any residence on the approved streets. Regulatory sign shall comply with the Indiana Manual of Uniform Traffic Control Devices. Street Name Signs shall comply with Miami County standard.
- (5.19) Street Lights.** If installed will be in accordance with the specification set by the County Engineer
- (5.20) Reserve Strips.** The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to it from adjacent property if such street is a local service street rather than a collector or arterial street. (See paragraphs (5) and (6) above.)
- (5.21) Construction of Streets**
- (a) Construction of Streets other than Cul-de-sacs.** The arrangement of streets shall provide for the continuation of streets between adjacent subdivisions or other properties when such continuation is necessary for the convenient movement of traffic, for effective fire protection, for efficient provision of utilities, and where such continuation is in accordance with the Comprehensive Plan. If the adjacent property is undeveloped and the street must be a dead-end (stub) street temporarily, the right-of-way shall be provided for all such temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. Temporary turnarounds must be provided at the ends of

such stub streets. The Commission may limit the length of temporary dead-end streets in accordance with the design standards in these regulations.

- (b) **Cul-de-sacs (Permanent Dead-end Streets).** Where a street does not extend beyond the boundary of the subdivision and its continuation is not required by the Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with County construction standards and specifications available from the County Engineer's office. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards in these regulations.

(5.22) Design Standards

- (a) **General.** In order to provide for streets of suitable location, width, and improvement to accommodate prospective traffic and afford satisfactory access for police, fire-fighting, snow removal, sanitation, and street maintenance equipment, and to coordinate street location in order to achieve a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required. (Street classifications may be indicated in the Comprehensive Plan, Thoroughfare Plan, or on the Official Map; otherwise, they shall be determined by the Commission.)
- (b) **Street Surfacing and Improvements.** After the developer has installed sewer and water utilities, the applicant may be required to construct curbs and gutters and shall surface or cause the roadways to be surfaced to the widths prescribed in these regulations. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in Types of pavement shall be as determined by the County Engineer. Adequate provision shall be made for culverts, drains and bridges. All street pavement, shoulders, drainage improvements and structures, curbs, turn-arounds, and sidewalks shall conform to all construction standards and specifications adopted by the Commission, City Engineer, or the County and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.
- (c) **Excess Right-of-way.** Right-of-way widths in excess of the standards designed in these regulations shall be required whenever, due to topography, additional width is necessary to provide for adequate and stable earth slopes. Such slopes shall not be in excess of three to one.
- (d) **Railroads and Limited Access Highways.** Railroad rights-of-way and limited access highways where so located as to affect the subdivision of adjoining lands shall be treated as follows.
 - (i) In residential districts a buffer strip at least 25 feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited."
 - (ii) In districts zoned for business, commercial, or industrial uses, the nearest street extending parallel or approximately parallel to a railroad shall, wherever practical, be at a sufficient distance therefrom to ensure a suitable depth for commercial or industrial sites.
 - (iii) Streets parallel to a railroad when intersecting a street, which crosses the railroad at grade, shall, to the extent practicable, be at a distance of at least 150 feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

(e) **Intersections**

- (i) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be approximately at right angles for at least one hundred (100) feet therefrom. Not more than two (2) streets shall intersect at any one point unless specifically approved by the Commission.
- (ii) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersection on the opposite side of such street. Street jogs with center-line offsets of less than 150 feet shall not be permitted except where the intersected street has separated, dual drives, without median breaks at either such intersection. Where local streets intersect with arterials, their alignment shall be continuous. Intersections of arterials shall be at least eight hundred (800) feet apart.
- (iii) Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.
- (iv) Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection a leveling area shall be provided having not greater than a two percent (2%) grade at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.
- (v) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trimming trees) in connection with the grading of the public right-of-way to the extent deemed necessary by the County Engineer to provide an adequate sight distance.
- (vi) The cross-slopes on all streets, including intersections shall be three percent (3%) or less.
- (f) Bridges of primary benefit to the applicant, as determined by the Commission, shall be constructed at the full expense of the applicant without reimbursement from the County. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the Commission, will be fixed by special agreement between the County and the applicant. Said cost shall be charged to the applicant pro-rata as the percentage of his land developed and so served.

(5.23) **Street Dedications and Reservations**

- (a) **New Perimeter Streets.** Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half-streets. Where an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Commission may authorize a new perimeter street where the subdivider improves and dedicates the entire required right-of-way width within his own subdivision's boundaries.
- (b) **Widening and Realignment of Existing Streets.** Where a subdivision borders an existing narrow street or when the Comprehensive Plan, Official Map, thoroughfare Plan, or zoning setback regulations indicate plans for realignment or widening of a street that would require use

of some of the land in the subdivision, the applicant shall be required to improve and dedicate such streets at his own expense. Such frontage streets and other streets on which subdivision lots front shall be improved and dedicated by the applicant at his own expense to the full width required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of the Zoning Ordinance.

(5.24) Drainage and Storm Sewers

(a) General Requirements. The Commission shall not recommend for approval any subdivision plat which does not make adequate provision for storm or flood water runoff channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed as approved by the Commission and the County Drainage Board, and a copy of the design computations shall be submitted along with the plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than 600 feet in the gutter or when the encroachment of storm water into the street disrupts traffic. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point and catch basins or inlets shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

(b) Nature of Storm Water Facilities Location.

The applicant may be required by the Commission to carry away by pipe or open ditch any spring or surface water that may exist, either previously to, or as result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual, unobstructed easements of appropriate width, and shall be constructed in accordance with the County's construction standards and specification

(c) Accessibility to Public Storm Sewers

Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance adequate provision shall be made for the disposal of storm water, subject to the specifications of the County Engineer. However, in subdivisions containing lots of less than 15,000 square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivision and be conducted to an approved outfall. Inspection of facilities shall be conducted by the County Engineer.

(1) If a connection to a public storm sewer will be provided eventually, as determined by the County Engineer [see comment above] and the Commission, the developer shall make arrangements for future storm water disposal by the public utility system at the time the plat receives final approval. Cost provision(s) for such connection(s) shall be incorporated by inclusion in the amount of the performance bond or equivalent required for the subdivision plat.

(d) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The County Engineer shall determine the necessary size of the facility, based on the provisions of the required construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

(f) Effect on Downstream Drainage Areas. The County Engineer shall determine the effect of each proposed subdivision on existing drainage facilities outside the area of the subdivision. County drainage studies together with such other studies as may be available and appropriate, shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commission may withhold secondary approval of the subdivision until provision (such as a

storage facility) has been made for the improvement of said potential condition in such sum as the Commission shall determine. No subdivision shall be approved unless adequate drainage from it will be provided to an adequate drainage water course or facility.

- (g) **Areas of Poor Drainage.** Areas which are not in the Flood Plain but contain soils which are subject to flooding may be approved for subdivision by the Commission, provided that the subdivider fills the affected areas of said subdivision to an elevation sufficient to place building sites and streets two (2) feet above ponding levels.
- (h) **Areas of High Seasonal Water Tables.** In areas characterized by soils having a high seasonal water table as determined by the Miami County Soil and Water Conservation District, lots shall be limited to slab type construction unless the Commission determines that appropriate engineering techniques will be applied to alleviate the subsurface problem.
- (i) **Floodway Areas.** If a subdivision of land is proposed within the Flood Plain, Floodways shall be preserved and not diminished in capacity by filling or obstruction, except as approved by the Natural Resources Commission in writing. No residential building site may be located within the Floodway.
- (j) **Floodway Fringe Areas.** Where a subdivision is proposed within an area of the Flood Plain designated as a Floodway Fringe, the Commission may approve such subdivision provided that: all streets are elevated sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade two (2) feet above the Regulatory Flood elevation; where provided, water and sanitary sewer facilities are constructed to eliminate contamination of or by, flood water; and, approval to fill the area from the Natural Resources Commission has been obtained in writing. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- (k) **Flood Plain Areas.** Where a subdivision is proposed within an area of the Flood Plain for which Floodway and Floodway Fringe designations have not been made, the Commission shall not approve such a subdivision unless all streets are raised sufficiently to be above the Regulatory Flood elevation; all lots for residential usage have a Flood Protection Grade of two (2) feet above the Regulatory Flood elevation; where provided, public water and sanitary sewer facilities are constructed to eliminate contamination of or by flood water; and, filling to achieve the above will not raise the level of the Regulatory Flood Elevation more than one-tenth (1/10) of one (1) foot for that reach of the stream. All filling in the Flood Plain must be approved in writing by the Indiana Natural Resources Commission. Lands below the Regulatory Flood elevation shall not be used for computing the area requirement for any lot.
- (l) **Recording of Plats in the Flood Plain and Floodway Fringe.** All final plats having within their boundaries areas whose elevation is below that of the Regulatory Flood Elevation shall show and label the Regulatory Flood Boundary and elevation, as of the date the final plat is drawn, on the final plat for recording.

(5.25) Dedication of Drainage Easements

- (a) **General Requirements.** Where a subdivision is traversed by a drainage course, drainageway, channel, or stream, a storm water easement or drainage right-of-way shall be provided, granted or dedicated to the County conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose of both drainage and maintenance of the right-of-way. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- (b) **Drainage Easements**

- (i) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the right-of-way lines and with satisfactory access to the street. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.
- (ii) The applicant shall dedicate, either in fee or by drainage or conservation, easement land on both sides of existing watercourses of a width to be determined by the Commission and, in the case of legal drains, the County Drainage Board.
- (iii) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.
- (iv) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be included in the computations for determining the number of lots allowable under average density procedures nor for computing the area requirement for any individual lot.

(5.26) Water Facilities General Requirements

- (a) The applicant shall take all actions necessary to extend or create a water-supply district for the purpose of providing a water-supply system capable of providing for domestic water use and fire protection.
- (b) Where a public water main is accessible the subdivider shall install adequate water facilities (including fire hydrants) conforming to the requirements and specifications of the State or local authorities. All water mains shall be at least six (6) inches in diameter.
- (c) Water main extensions shall be approved by the officially designated agency of the State, County or municipality concerned.
- (d) To facilitate the above, the location of all fire hydrants, water supply improvements, and the boundary lines of proposed districts indicating all improvements proposed to be served, shall be shown on the preliminary plat, and the cost of installing same shall be included in the performance bond to be furnished by the subdivider.
- (e) The design of all water facilities shall conform to or exceed the standards described County Board of Health and the State Board of Health.

(5.27) Individual Wells and Central Water Systems

- (a) In low-density zoning districts, if a public water system is not available, at the discretion of the Commission, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water sample test results shall be submitted to the Health Department for its approval, and individual wells and central water systems shall be approved by the appropriate health authorities. These approvals shall be submitted to the Commission.
- (b) If the Commission requires that a connection to a public water main be eventually provided as a condition for approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives secondary approval. Performance or cash bonds may be required to insure compliance.

SECTION VI

6.1 Improvements and Performance Bond

- (a) **Completion of Improvements.** Before the plat is signed by the Designated Officials all applicants shall be required to complete, in accordance with the Commission's decision and to the satisfaction of the County Engineer, all the streets, sanitary, and other public improvements including lot improvements on the individual lots of the subdivision as required in this ordinance, specified in the approved construction plans and on the final subdivision plat, and as approved by the Commission and to dedicate the public improvements to the County, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.
- (b) **Performance Bond**
- (1) The Commission in its sole discretion may waive the requirement that the applicant complete all public improvements prior to the approval of the final subdivision plat or section thereof, and that, in lieu thereof, the applicant shall post bond securable to Miami County, hereinafter referred to as performance bond, in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the required public improvements. This amount of bond shall be sufficient to secure to the participating jurisdiction the satisfactory construction and installation of the uncompleted portion of required public improvements, as provided for in of this ordinance.
 - (2) In lieu of such a bond the subdivider may submit a certified check made payable to Miami County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided for in of this ordinance. Such check shall be held by the County Auditor.
 - (3) In lieu of such a bond the subdivider may submit irrevocable letters of credit in behalf of the subdivider and securable by the County in an amount equivalent to one hundred percent (100%) of the estimated cost of completion of the uncompleted portion of required public improvements as provided in this ordinance. In the event an irrevocable letter of credit is used it shall be written for a maximum length of two (2) years. The Commission, two (2) months prior to the expiration of the letter of credit, shall determine if the public improvements have been accepted for maintenance by the County or other units of government having jurisdiction over them, and if they have not been accepted shall so notify the subdivider of the County's intent to secure the funds pledged by such letter of credit or, at the discretion of the Commission, to grant an extension of the original period fixed by the Commission. No extension shall exceed (1) year, and the subdivider filing with the Commission a new letter of credit for the period so extended.
 - (4) In lieu of such a bond the subdivider may submit a certificate of deposit made out to either the Miami County and the subdivider to be held by the County Auditor in an amount equivalent to one hundred percent (100%) of the cost of completion of the uncompleted portion of required public improvements as provided for in this ordinance. The subdivider must endorse the certificate of deposit before submitting it to the Commission so that the County may secure the funds.
 - (5) A performance bond furnished pursuant to this ordinance shall comply with all statutory requirements and shall be satisfactory to the Commission Attorney as to form, sufficiency, and manner of execution as set forth in this ordinance. (See Appendix A for forms.) The period within which required public improvements must be completed shall be specified by the Commission in the primary approval of the preliminary plat and shall be incorporated into the bond and shall not in any event exceed two (2) years from date of secondary approval. Such bond shall be approved by the participating jurisdiction as to amount. The Commission may, upon proof of difficulty, grant an extension of the completion date set

forth in such bond for a maximum period of one (1) additional year, provided that the bond submitted for this extension period meets all other requirements herein. The Commission may, at any time during the term of such bond, accept a substitution of principal or sureties on the bond.

- (c) **Temporary Public Improvements.** The applicant shall build and pay for all costs of temporary public improvements required by the Commission and shall maintain same for the period specified by the Commission. Prior to construction of any temporary public facility or improvement, the subdivider shall file with the Commission as separate suitable bond for temporary facilities. This bond shall insure that the temporary facilities will be properly constructed, maintained, and removed (except for turnaround at ends of the peripheral stub streets intended for connection into adjacent future subdivisions).
- (d) **Cost of Public Improvements.** All required public improvements shall be made by the applicant at his expense without reimbursement by the participating jurisdiction or any public improvement district therein, unless sharing of expenses is agreed upon by the County .
- (e) **Governmental Units.** Governmental units to which these bond provisions apply may file a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Section in lieu of said bond.
- (f) **Failure to Complete Public Improvements.** For subdivisions for which no performance bond has been posted, if the public improvements are not completed within the period specified by the Commission in the primary approval of the preliminary plat, or the sketch plan in the case of a minor subdivision, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and the required public improvements have not been installed within the terms of such performance bond, the participating jurisdiction may thereupon request the County to declare the bond to be in default and cause all public improvements to be installed according to secondary approval regardless of the extent of the building development at the time the bond is declared to be in default.
- (g) **Acceptance of Dedication Offers.** The approval by the Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the County of any street, easement, or park shown on said plat. The Commission may require said plat to be endorsed with appropriate notes to this effect. The approval relates only to the real property itself.

6.2 Inspection of Public Improvements

- (a) **General Procedure.** If the participating jurisdiction finds upon inspection that any of the improvements have not been constructed in accordance with the approved construction plans, the applicant shall be responsible for completing the public improvements according to such plans. Where the cost of the public improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the public improvements according to specifications.
- (b) **Release or Reduction of Performance Bond**
 - (1) **Certificate of Satisfactory Completion.** The County (or other participating jurisdiction) shall not accept required public improvements, nor the Commission release nor reduce a performance bond, until the County has submitted to it a certificate stating that all required public improvements or a **pro rata** part in the case of a reduction have been satisfactorily completed. The applicant's engineer or surveyor shall provide the participating jurisdiction with detailed "as built" construction plans of the public improvements, indicating location, dimensions, materials, and other information required by the Commission or participating jurisdiction. Upon such certification, the County shall thereafter accept the public improvements for maintenance in accordance with the established procedures unless the county

has reliable information as to non-compliance with the plans and specifications.

- (2) **Reduction of Performance Bond.** A performance bond shall be reduced upon actual acceptance of public improvements, but only by the amount originally estimated for the completion of said public improvements.

6.3 Maintenance of Public Improvements

- (a) The applicant shall be required to maintain all public improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks (where required) until acceptance of said public improvements by the County (or other participating jurisdiction).
- (b) The applicant shall be required to file a maintenance bond with the Commission, prior to acceptance, in an amount not to exceed ten percent (10%) of the cost of all public improvements, and in a form satisfactory to the Commission Attorney. The maintenance bond is provided to assure the satisfactory condition of the required public improvements for a period of three (3) years after the date of their acceptance by the County .

6.4 Issuance of Building Permits

No building permit shall be issued for the last ten percent (10%) of lots in a final subdivision plat or section thereof, or if ten percent (10%) be less than two (2), for the last two (2) lots of a subdivision or section thereof, until all public improvements required by the Commission for the plat with the exception of sidewalks have been fully completed and accepted for maintenance by the participating jurisdiction.

SECTION VII

(7.0) Plan Commission Approval

After having given public notice of the time, date, place and nature of hearing on the application for primary and final approval of this subdivision by publication in the Peru Tribune more than ten- (10) day before the date of set hearing thereon, Under authority provided by I.C. 36-7-4-700 series enacted by the general assembly of the State of Indiana, and all amendatory thereof, this plat was giving primary approval by a majority of the County Plan Commission or it's executive committee at a meeting held on _____ day of _____ 2000.

President

Secretary

(7.1) PERFORMANCE BOND

Performance Bond to Include Lot Improvement. The performance bond shall include an amount to guarantee completion of all requirements contained in Section 4.2 of these regulations including, but not limited to, soil preservation, final grading, lot drainage, lawn-grass seeding, removal of debris and waste, fencing, and all other lot improvements required by the Commission. Whether or not a certificate of occupancy has been issued, at the expiration of the performance bond, the County may enforce the provisions of the bond where compliance with the provisions of this section or any other applicable law, ordinance, or regulation has not occurred.

PERFORMANCE BOND

(TO BE ISSUED ON BONDING COMPANY STATIONARY)

Known all men by these present, That Developer's Name Address as principal and name of Bonding Company Address as surety, are held and firmly bound unto Miami County, Indiana in the full and just sum of written amount and in parentheses number for payment of which, well and truly to be made. We bind ourselves, joint and several heirs, executors, administrators, and assigns, firmly by these present, this _____ day of _____, 2000.

The conditions of the above obligation are such that, if the below-described item is not fulfilled, the Miami County Plan Commission shall use said bond to complete all improvement.

The following improvements shall be made on the following described real estate: To
Wit:: _____

Items for Improvements

and shall be free from defect of workmanship and materials, general wear and tear excepted, for a period in which improvements are installed and excepted.

Sign and sealed this _____ day of _____ 2000.

Name of Principal

Witness

Signature of Principal

Witness

Name of Surety

Signature of Surety

(type name of Attorney-in-fact)

(7.2) SURVEYOR CERTIFICATION

I _____ Name _____, Hereby certify that I am a Professional Surveyor/Engineer, Licensed in compliance with the Law of the State of Indiana, that this plat correctly represent a survey completed by me on Date. That all Monuments shown thereon actually exist and that the location, size and material of said monuments are accurately shown.

Signature _____ License # _____

(7.3) NOTARY

State of Indiana
County of _____

Before me the undersigned Notary Public, in and for the said County and State, Personally appeared _____ and acknowledge the execution of the foregoing instrument as his voluntary aact and deed, for the purpose therein express.

Witness my hand and Notaries seal this _____ day of _____ 2000

Notary Public (signature)

Notary Public (printed)

Resident of _____ County

(7.4) Enforcement:

The right to enforce these provisions by injunction, together with the right to cause the removal, by due process of law of any structure or part there erected, or maintained in violation hereof, is hereby dedicated to the public, and reserve to several owners of several lots in this subdivision and to their heirs and assigns

The Miami County Plan Commission shall be the enforcement official of the Subdivision control ordinance and shall have the right, power or authority to enforce any covenants, commitments, restriction or other limitations contained herein

(7.5) Deed of Dedication

County Commissioners Certification

Under the authority provided by IC 36-7-4-600 series, of the General Assembly, for the State of Indiana, this plat was given approval by the County Commissioners of Miami County, Indiana at a meeting held on _____ Day of _____, 2000.

President

Member

Member

(7.6)Deed of Dedication

Street & Alley

We the undersigned _____ and _____, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivided, and do thereby lay off, plat and subdivide, said real estate in accordance with the within plat.

To Wit:

This subdivision shall be known and designed as Name of subdivision a subdivision in Township Miami County, Indiana .

All Street(s) and Alley (s) shown and not heretofore not dedicated, are hereby dedicated to the general public.

To Wit:

Covenant (s) are enforce by the landowners (unless the Plan Commission are made a part of the enforcement) (See Enforcement in this section)

Signature of Owner

State of Indiana
County of _____

Before me the undersigned Notary Public, in and for the said County and State, Personally appeared _____ and acknowledge the execution of the foregoing instrument as his voluntary act and deed, for the purpose therein express.

Witness my hand and Notaries seal this _____ day of _____ 2000 (Notary Seal)

Notary Public (signature)

Covenant (s) are enforce by the landowners (unless the Plan Commission are made a part of the enforcement) (See Enforcement in this section)

(7.7)Form

APP. NO. S _____
DATE REC'D _____

APPLICATION FOR SKETCH PLAN REVIEW

NAME (S) OF SUBDIVIDER (S) _____
ADDRESS _____
PHONE (S) _____

Subdivider's Registered land Surveyor _____ phone _____

I (we) hereby request sketch plan review and certificate of approval of the following described subdivision in accordance with the provision of the COUNTY OF MIAMI Subdivision Ordinance. I (we) am (are) the owner of the real estate included in the subdivision.

Name of Subdivision _____

Section _____ Township _____ Range _____ in _____ Township

County Road _____ N S _____ E W

(Legal description attached hereto)

Area in acres _____ Number of Lots _____ Zoned _____

Electrical _____ Sewage: Private _____ Public _____ Sidewalk: Yes _____ No _____

Water: Public _____ Well _____

Major Subdivision _____ Minor Subdivision _____

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature (s) of Subdivder (s) _____

State of Indiana)

SS:

County of Miami)

Subscribed and sworn to before this _____ day of _____ 2000

Notary Public _____

Residing in _____ County

My Commission Expires _____

(7.8) Primary Approval Form

REQUEST FOR PRIMARY APPROVAL OF SUBDIVISION PLAT

File no. S- _____
Date Rec'd _____

Name (s) of Subdivider(s) _____
Address (er) _____
Phone (s) _____

I (we) do hereby request primary approval of the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owners of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:
_____ Section _____ Township _____ Range _____ in _____ Township
containing _____ acres; Number of Lots _____
Miles of new street to be dedicated to the public (in hundredths): Full Width _____; Half Width _____

Name of Registered Land Surveyor _____ Phone _____

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature(s) of Subdivider (s) _____

State of Indiana)

SS:

County of Miami)

Subscribed and sworn before me this _____ day of _____ 2000

Notary Public

Residing in _____ County
My commission expires _____

FOR STAFF USE: Date of public hearing before Commission _____

Fee for additional lots of \$ _____ from Subdivider Date _____

File No. S- _____
Date Rec'd _____

FOR STAFF USE:

Plat required: _____ determination of conformance S- _____ Date approved _____
 _____ additional approval Prelim. S- Date approved _____
 _____ Restrictive Covenants received. Date _____

Name of Subdivider (s) _____
Address _____
Phone _____

I (we) do hereby request determination of conformance with the preliminary plat for the following described subdivision in accordance with the provisions of the Comprehensive Plan. I (we) am (are) the owner (s) of the real estate included in said subdivision.

Name of Subdivision _____ generally described as follows:

_____ Of Section _____ Township _____ Range _____ in _____ Township,
Containing _____ acres; Number of lots _____
Miles of new street to be dedicated to the public (in Hundredths) _____

The undersigned, having been duly sworn on oath states the above information is true and correct as he is informed and believes.

Signature (s) of Subdivider (s) _____

7.10) Maintenance Bond Form

(TO BE ISSUED ON BONDING COMPANY STATIONARY)

MAINTENANCE BOND

KNOWN ALL MEN BY THESE PRESENT, That we _____ (Developer"s Name)
_____, (Address) _____, as principal, and _____
as surety, are held and firmly bound unto Miami County, Indiana, in the full and just sum of _____
(Written amount, and in Parentheses, the numerical amount) _____,
for the payment of which, well and truly to be made, we bind ourselves, jointly and severally, and joint and several
heirs, executors, administrators, and assigns, firmly by these presents, this _____ day of _____, 2000

THE CONDITIONS OF THE ABOVE OBLIGATION are such that, if the above described principal
shall well and truly maintain _____ (describe Items to maintain) _____

and they shall be free from defects of workmanship and materials, general wear and tear excepted, for a period of
three (3) years, then this obligation shall be null and void, otherwise to remain in full force and effect.

SIGN AND SEALED this _____ day _____ of _____, 2000

(Name Of Principal)

Witness

(Signature of principal)

Witness

(Name of surety)

(Signature of Surety)

(Type name of Attorney-in-fact)

(7.11) RESTRICTION

THIS ORDINANCE SHALL NOT BE DEEMED TO RESTRICT IN ANY WAY THE
AUTHORITY GIVEN BY THE LAW OF THE STATE OF INDIANA TO SIMILAR
BOARDS FORMED FOR SIMILAR PURPOSE

PASSED BY THE MIAMI COUNTY PLAN COMMISSION THIS 10 DAY OF

JAN 2000.

Gary M. Horner
PRESIDENT

James D. Coor
SECRETARY

(7.12) EFFECTIVE DATE

THIS ORDINANCE SHALL BE IN EFFECT FROM AND AFTER ITS PASSAGE.
PASSED BY THE COUNTY COMMISSIONER'S OF MAIMI COUNTY, INDIANA THIS

16 DAY OF JAN 2000

COUNTY COMMISSIONER'S

PRESIDENT Michael A. Horner

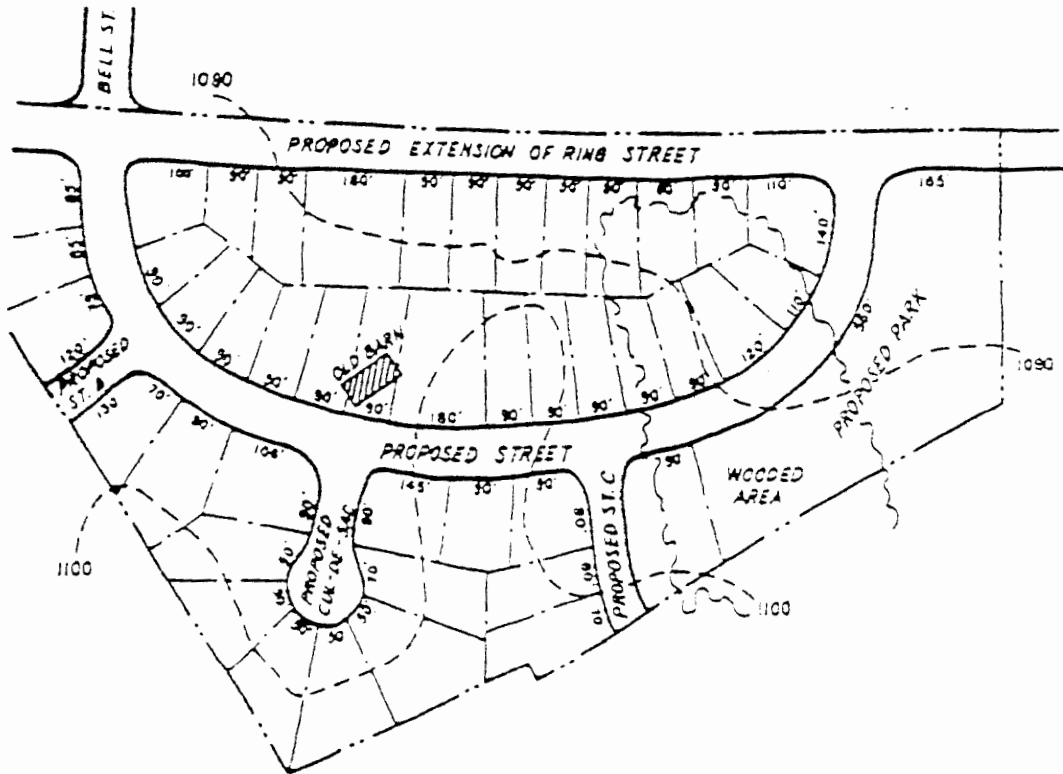
MEMBER

MEMBER Harold R. O'House

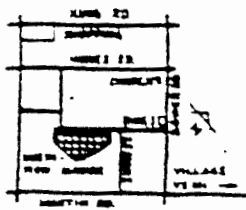
ATTESTED

Brenda S. Weaver
COUNTY AUDITOR

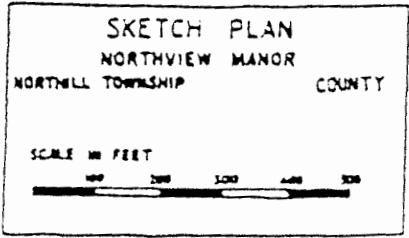
EXAMPLE



VICINITY MAP
NORTHVIEW MANOR
COUNTY, OHIO

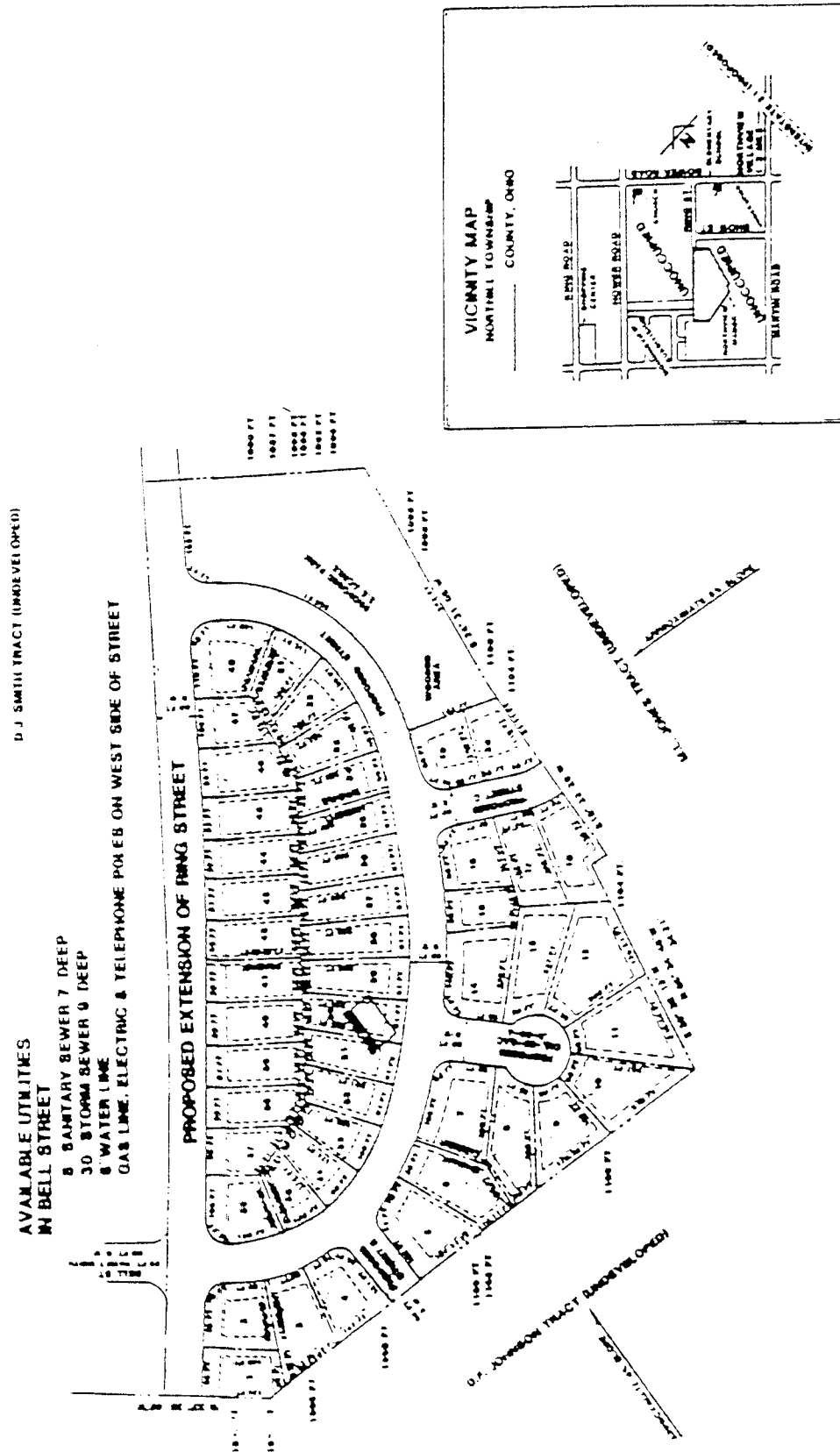


AVAILABLE UTILITIES
8" SANITARY SEWER - 7' DEEP
30" STORM SEWER - 9' DEEP
6" WATER LINE
GAS LINE ELECTRIC AND TELEPHONE
POLES ON WEST SIDE OF STREET



SKETCH PLAN

Example



PRELIMINARY SUBDIVISION PLAT

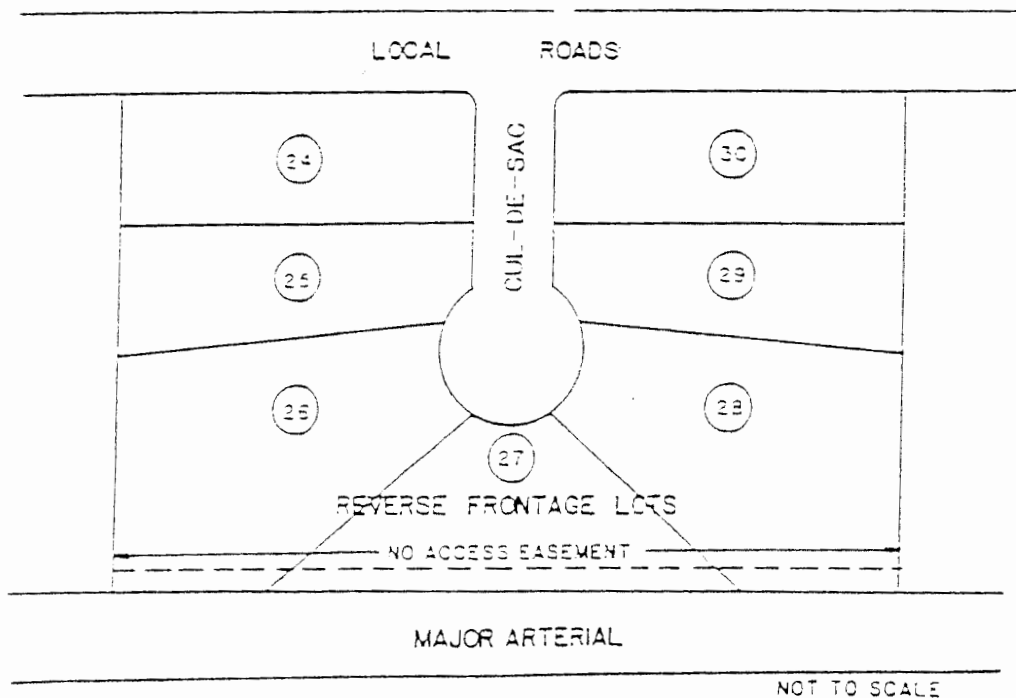
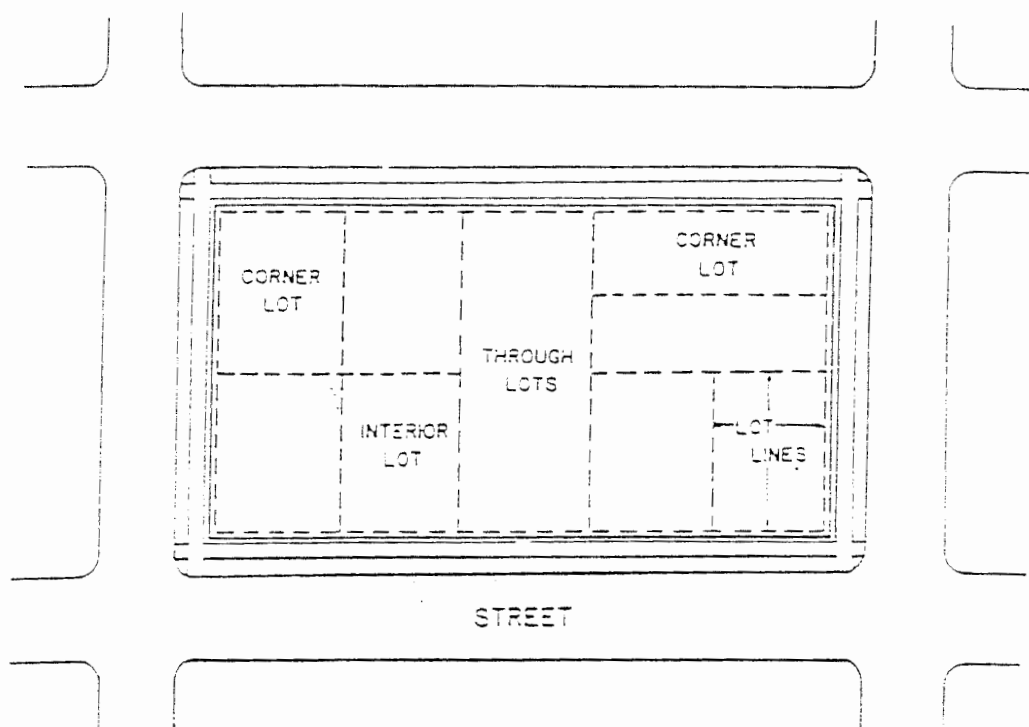
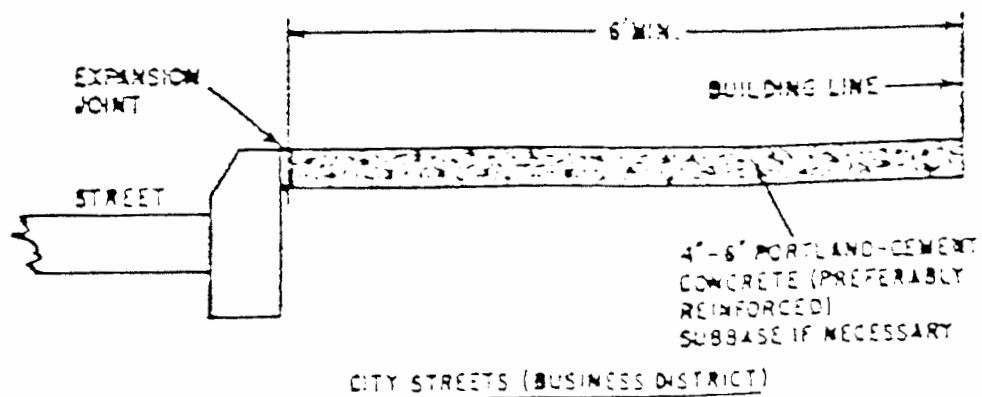
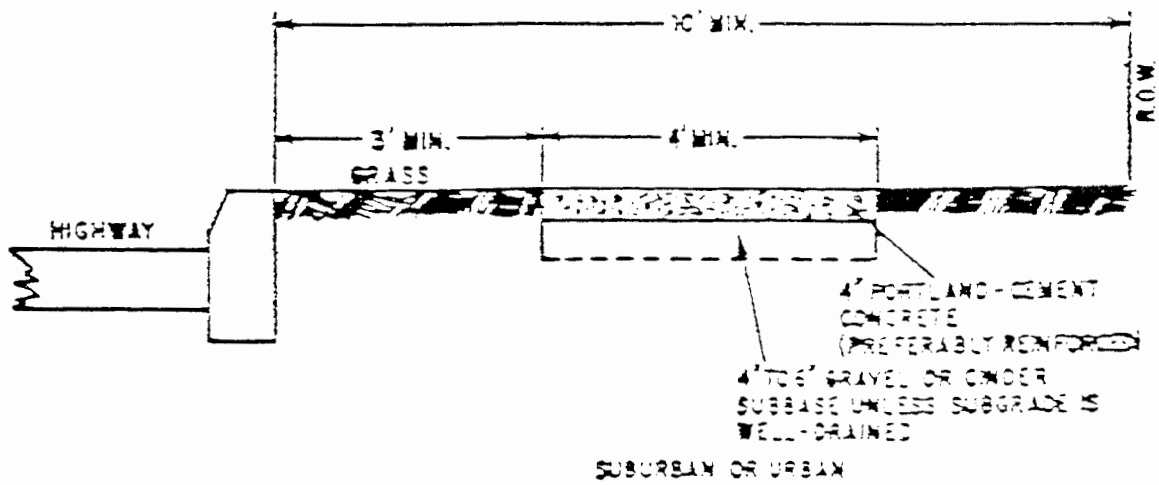
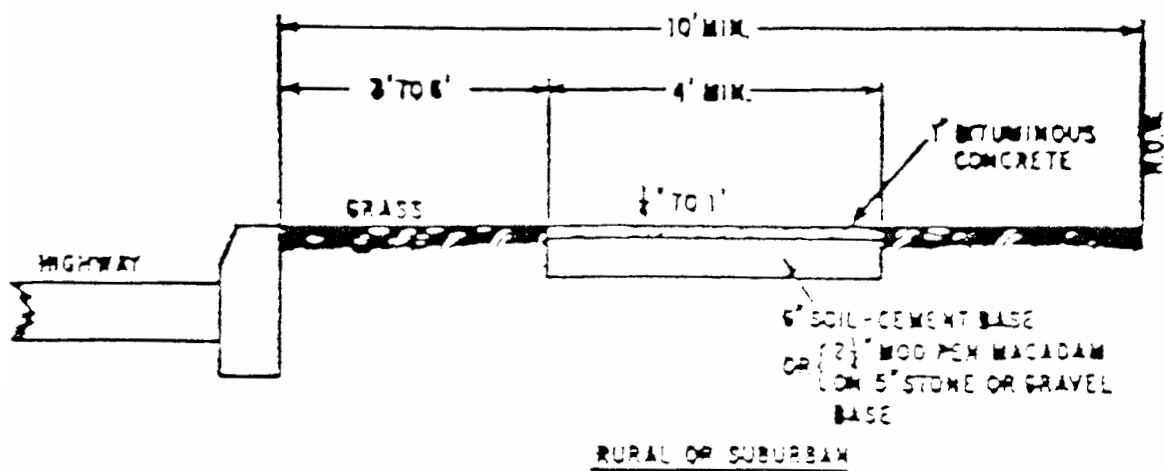


FIGURE 4 LOT AND FRONTAGE EXAMPLES



Typical road cross sections